IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15005 of 2004

Between:

Md. Khadar Basha, S/o. Silar Saheb,
R/o. Golla Street, Ranganayakulapeta, Nellore,
Nellore District, A.P.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Nellore, Nellore District.
2 The Mandal Revenue Officer, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of " WRIT OF MANDAMUS" or any other appropriate writ of direction apprehending the Respondents herein not to interfere with the peaceful possession and enjoyment of land bearing Sy.No. 225-B4, total extent of Ac. 1.55 cents at Amancherla Village and Post, Nellore Mandal, Nellor District in the interest of Justice and to pass

Counsel for the Petitioner: MR.V.SARAVANA KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court made the following ORDER:

Heard learned counsel for the parties.

By the impugned show cause notice, the petitioner was called upon to explain as to why he should not be evicted from the land in Sy.No.64, situated at Madhapur village, Serlingampalli Mandal, Ranga Reddy District, which is in his possession in contravention of the provisions of the Sub-Section(2) of Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act,1977 (for short 'the Act').

When this Court raised an objection that the writ petition is not maintainable unless the petitioner submit his explanation to the show cause notice, the learned counsel for the petitioner submits that the petitioner has already submitted his explanation to the said show cause notice, which fact is not stated in the affidavit filed in support of the writ petition.

If that be the case, the Mandal Revenue Officer-second respondent is directed to pass necessary orders taking into consideration the explanation submitted by the petitioner and communicate the same to the petitioner. If any order adverse to the petitioner's interest is passed, the same shall be not be given effect for a period of 30 days from the date of such communication for enabling the

petitioner to file an appeal against the said order.

The writ petition is accordingly disposed of. No costs.

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A.Gopal Reddy, J

Date: 24.08.2004

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To

1 The Revenue Divisional Officer, Nellore, Nellore District.
2 The Mandal Revenue Officer, Nellore, Nellore District.

3 Two CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad (OUT)

4 Two CD Copies